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BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1E 2009 204019

BRENDA KAY SAGLIO, P.A.

ACCUSATION

745 San Jacinto Drive
Salinas, CA 93901

Physician Assistant License No. PA 14210

Respondent.

Complainant alleges:

PARTIES

1. Elberta Portman ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Physician Assistant Committee, Department of Consumer Affairs.

2. On or about December 17, 1997, the Physician Assistant Committee issued Physician Assistant License Number PA 14210 to Brenda Kay Saglio ("respondent"). The Physician Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee ("Committee") for the Medical Board of California, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 3504 of the Business and Professions Code ("the Code") provides for the existence of the Committee within the Medical Board of California ("Medical Board" or "Board").

5. Section 3527(a) of the Code provides that the Committee may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician's assistant certificate for unprofessional conduct which includes, but is not limited to a violation of the Physician Assistant Practice Act (Business and Professions Code section 3500, et seq.), a violation of the Medical Practice Act (Business and Professions Code section 2000, et seq.), or a violation of the regulations adopted by the Committee or the Board.

6. Section 3528 of the Code provides, in pertinent part, that proceedings involving the suspension or revocation of a license of a physician assistant shall be conducted in accordance with the Administrative Procedure Act, Government Code section 11500, et seq.

7. Section 1399.521 of Title 16 of the California Code of Regulations provides, in pertinent part, as follows:

"In addition to the grounds set forth in Section 3527, subd. (a), of the code, the committee may . . . suspend, revoke, or place on probation a physician assistant for the following causes:

"(a) Any violation of the State Medical Practice Act which would constitute unprofessional conduct for a physician and surgeon.

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1 8. Section 2234 of the Code provides, in pertinent part, that the Division shall take
2 action against any licensee who is charged with unprofessional conduct. Unprofessional conduct
3 includes, but is not limited to, the following:

4 “(a) Violating or attempting to violate, directly, or assisting in or abetting the
5 violation of, or conspiring to violate, any provision of this chapter.”

6 9. Section 2239(a) of the Code provides, in pertinent part, that the excessive use,
7 consumption, or self-administration of dangerous drugs (including those prescription medications
8 defined in Section 4022 of the Code) to the extent or in such a manner as to be injurious to the
9 licensee, or to any other person, or to the public, constitutes unprofessional conduct.

10 10. Section 125.3 of the Code states, in pertinent part, that a board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct, Excessive Use)**

16 11. Respondent is subject to disciplinary action under Business and Professions Code
17 sections 2234 and 3527(a) and California Code of Regulations, title 16, section 1399.521 for
18 unprofessional conduct pursuant to section 2234(a) (violating provisions of this chapter) and
19 section 2239(a), excessive use of dangerous drugs to the extent or in such a manner as to be
20 injurious to the licensee, or to any other person, or to the public. The circumstances are as
21 follows.

22 12. Acting on a complaint that respondent appeared to be impaired while engaged in the
23 practice of medicine, the Committee obtained pharmacy records which demonstrated that
24 between May 2009 and October 2009, respondent was receiving prescriptions for Oxycodone, a
25 Schedule II controlled substance and opioid analgesic.

26 13. On June 2, 2010, respondent was interviewed by an investigator for the Committee.
27 Respondent advised the investigator that, after maintaining sobriety for 18 years, she began using
28 Oxycodone. She stated that her reason for beginning to use the prescription opioid for the

1 treatment of intense pain resulting from the Shingles virus, but respondent admitted that she later
2 began to use the medication excessively and that she became dependent on it.

3 **COST RECOVERY**

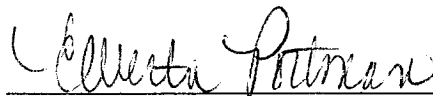
4 14. Section 125.3 of the Code provides, in pertinent part, that in any order issued in
5 resolution of a disciplinary proceeding before any board within the California Department of
6 Consumer Affairs, the board may request the administrative law judge to direct a licensee found
7 to have committed a violation/violations of the licensing act to pay a sum not to exceed the
8 reasonable costs of the investigation and enforcement of the case.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Physician Assistant Committee issue a decision:

- 12 1. Revoking or suspending Physician Assistant License Number PA 14210, issued to
13 Brenda Kay Saglio, P.A.;
- 14 2. Ordering Brenda Kay Saglio to pay the Physician Assistant Committee the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
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19 DATED: July 15, 2010

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21 ELBERTA PORTMAN
22 Executive Officer
23 Physician Assistant Committee
24 Department of Consumer Affairs
25 State of California
26 Complainant

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